

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on February 11, 2005 at 3:30 P.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Jon C. Sesso (D)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: Rep. Bill E. Glaser (R)
Rep. Verdell Jackson (R)
Rep. Penny Morgan (R)
Rep. John Sinrud (R)

Staff Present: Jon Moe, Legislative Branch
Marcy McLean, Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:

Executive Action: HB 270; HB 232; HB 271; HB 28; HB
201; HB 16

EXECUTIVE ACTION ON HB 270

Motion: REP. FRANKLIN moved that HB 270 DO PASS AS AMENDED.

Motion/Vote: REP. WELLS moved that amendment HB 27004.ajm BE ADOPTED. Motion carried 15-1 by voice vote with REP. MUSGROVE voting no. REP. MORGAN voted by proxy.

[EXHIBIT](#)(aph34a01)

Motion/Vote: REP. WELLS moved that amendment HB 27005.ajm BE ADOPTED. Motion carried unanimously by voice vote. REP. MORGAN voted by proxy.

[EXHIBIT](#)(aph34a02)

Discussion:

REP. JUNEAU stated that even though she thinks jobs are important in Montana, the fiscal note of \$2.0 million per year is too expensive. She said that are a lot of people in Montana that are hurting and this money should be used for social services. Therefore, she said that she would vote "no" on HB 270.

REP. MCNUTT expressed his concern that not all commercial bankers are great lenders and, therefore, appointments should be scrutinized. The importance of these appointments should be conveyed to the Speaker of the House and the President of the Senate.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 16; Comments: Rep. Sinrud entered hearing}

Motion/Vote: REP. FRANKLIN moved that HB 270 DO PASS AS AMENDED. Motion carried 11-8 by roll call vote with REP. GLASER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. MORGAN, REP. SINRUD, REP. TAYLOR, and REP. WELLS voting no. REPS. WITT, GLASER and MORGAN voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 16 - 19.5}

EXECUTIVE ACTION ON HB 271

Motion: REP. CALLAHAN moved that HB 271 DO PASS.

Discussion:

REP. KAUFMANN said that although she is opposed to this program, she thinks the State should make good on their debt. Therefore, she said that she would be supporting HB 271.

Motion: REP. BUZZAS moved that amendment HB 27101.ajm BE ADOPTED.

EXHIBIT(aph34a03)

Discussion:

Jon Moe, Legislative Financial Department, explained that HB 271 does not state what date the appropriation is for, therefore, it is necessary to add "for fiscal year 2005."

Vote: Motion carried 11-9 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MORGAN, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, REP. WELLS, and REP. WITT voting no. REPS. GLASER, JACKSON, and MORGAN voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 19.5 - 25.5; Comments: Rep. Morgan entered hearing}

Discussion:

REP. JAYNE asked if there were other sources of funding other than General Fund. REP. SINRUD answered that since funding from the Intercap Loan Program has been taken away, the only remaining source of funding is from the General Fund.

CHAIRMAN BUZZAS reminded the Committee that funding for HB 271 is in the 2005 budget.

Vote: Motion carried 11-9 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MORGAN, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, REP. WELLS, and REP. WITT voting no. REPS. GLASER and JACKSON voted by proxy.

EXECUTIVE ACTION ON HB 15

Motion: REP. JUNEAU moved that HB 15 DO PASS.

Substitute Motion/Vote: REP. FRANKLIN moved that HB 15 BE TABLED. Motion carried 12-8 by roll call vote with REP. GLASER, REP. JACKSON, REP. MCNUTT, REP. MORGAN, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, and REP. WITT voting no. REPS. GLASER AND JACKSON voted by proxy.

EXECUTIVE ACTION ON HB 16

Motion: REP. FRANKLIN moved that HB 16 DO PASS.

***{Tape: 1; Side: A; Approx. Time Counter: 25.5 - 32.6; Comments:
End of Side A}***

Discussion:

REP. SINRUD said that of the 375 qualified students and the \$1.134 million appropriated per year, that there should possibly be a cap placed on this. Jon Moe said that HB 16 sets an upper limit to what the State would pay. The appropriation is in HB 2, and that is approximately \$900,000.

REP. FRANKLIN said that the Education Subcommittee made this appropriation at approximately \$900,000.

REP. RIPLEY pointed out that Fiscal Note #5 states that if the appropriated amount is less than the amount needed, then it will be prorated per student. He said that the maximum amount per student is \$3,024; if there is not enough money appropriated, then it will be prorated to the tribal colleges at a lesser amount.

REP. SINRUD asked if this appropriation is over the \$1,500 per student that has been appropriated in the past. Jon Moe said that the current limit, without HB 16, is \$1,500 per student. The appropriation over the past few bienniums has varied; the current biennium appropriation is \$96,500. The Education Subcommittee's appropriation for the biennium is \$900,000, which is based upon projected students of 311 at \$1,500 per student. Historically, the legislature has not funded up to the limit.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.9}

Vote: Motion carried 17-3 by roll call vote with REP. HAWK, REP. SINRUD, and REP. WELLS voting no. REPS. GLASER and JACKSON voted by proxy.

EXECUTIVE ACTION ON HB 28

Motion/Vote: REP. JUNEAU moved that HB 28 DO PASS. Motion carried 13-7 by roll call vote with REP. GLASER, REP. JACKSON, REP. RIPLEY, REP. SESSO, REP. SINRUD, REP. WELLS, and REP. WITT voting no. REPS. GLASER and JACKSON voted by proxy.

EXECUTIVE ACTION ON HB 332

Motion: REP. JUNEAU moved that HB 332 DO PASS.

Motion: REP. BUZZAS moved that amendment HB033201.ajm BE ADOPTED.

[EXHIBIT](#)(aph34a04)

CHAIRMAN BUZZAS explained that the Department of Health and Human Services recently found out that they received federal money for this fiscal year for energy assistance; therefore, HB 332 is being amended to lower the appropriation from \$1.75 million to \$1,185,504.

Vote: Motion carried 19-1 by roll call vote with REP. RIPLEY voting no. REPS. GLASER and JACKSON voted by proxy.

Motion/Vote: REP. JUNEAU moved that HB 332 DO PASS AS AMENDED. Motion failed 10-10 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. HINER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. LENHART, REP. MUSGROVE, and REP. SESSO voting aye. REPS. GLASER and JACKSON voted by proxy.

EXECUTIVE ACTION ON HB 36

Motion: REP. JUNEAU moved that HB 36 DO PASS.

[EXHIBIT](#)(aph34a05)

Substitute Motion/Vote: REP. WITT made a substitute motion that HB 36 BE TABLED. Substitute motion carried 12-8 by roll call vote with REP. CALLAHAN, REP. GLASER, REP. LENHART, REP. MORGAN, REP. RIPLEY, REP. SESSO, REP. SINRUD, and REP. TAYLOR voting no. REPS. GLASER and JACKSON voted by proxy.

EXECUTIVE ACTION ON HB 18

Motion: REP. SINRUD moved that HB 18 DO PASS.

Motion/Vote: REP. JUNEAU moved that amendment HB001802.ajm BE ADOPTED. Motion carried 20-0 by roll call vote. REPS. GLASER and JACKSON voted by proxy.

[EXHIBIT](#)(aph34a06)

Jon Moe explained that the amendment clarifies that the federal appropriation in HB 18 is for the biennium beginning July 1, 2005.

{Tape: 1; Side: B; Approx. Time Counter: 3.9 - 23.8}

Motion/Vote: REP. JUNEAU moved that amendment HB001801.ajm BE ADOPTED. Motion failed 10-10 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. HINER, REP. JAYNE, REP. JUNEAU, REP. KAUFMANN, REP. LENHART, REP. MUSGROVE, and REP. SESSO voting aye. REPS. GLASER and JACKSON voted by proxy. [EXHIBIT](#)(aph34a07)

Jon Moe explained that this amendment removes the \$200,000 appropriation and replaces it with the \$120,000 remaining balance.

Motion/Vote: REP. WITT moved that HB 18 BE TABLED. Motion failed 10-10 by roll call vote with REP. GLASER, REP. HAWK, REP. JACKSON, REP. MCNUTT, REP. MORGAN, REP. RIPLEY, REP. SINRUD, REP. TAYLOR, REP. WELLS, and REP. WITT voting aye. REPS. GLASER and JACKSON voted by proxy.

Motion: REP. JUNEAU moved that HB 18 DO PASS AS AMENDED.

Discussion:

REP. KAUFMANN urged the Committee to support HB 18, pointing out that its purpose is to continue the Tribal Economic Development Commission. Although the amendment to lower the appropriation to the remaining fund balance failed, it is still best to have the Commission exist. Economic conditions on reservations are dire, and although HB 18 is not in as good of shape as it could have been, she asked the Committee to vote for HB 18.

{Tape: 1; Side: B; Approx. Time Counter: 23.8 - 32.6; Comments: End of Tape 1}

REP. JUNEAU said that the purpose of the Commission is to try and improve the economic conditions on Montana's Indian reservations. She said that a strong partnership has developed and urged the Committee to vote "yes."

REP. JAYNE said the work of the Commission would also affect non-Indians. She said that passage of HB 18 is one step closer to trying to address the issues affecting Native Americans; i.e., drugs, poverty.

REP. SINRUD said that lowering the required quorum lessens the effectiveness of the Commission. He said that the make-up of the Commission should remain the same, not adding a representative from the Governor's Office and not changing the required quorum. He said that the subcommittee has already approved \$1 million for

economic development in Indian Country, as requested by the Department of Commerce.

REP. RIPLEY said that he is going to vote against HB 18. The State Tribal Relations Committee voted to continue the Commission, but it has been unable to reach a quorum because members were not attending. He said that he does not agree with increasing the number of members and lowering the quorum, as an attempt to make it easier to reach a quorum.

CHAIRMAN BUZZAS said that the reservations have high unemployment rates. The Commission initially had difficulty getting members to attend, but they are now in place and ready to go. She urged the Committee to not turn their backs on this.

Vote: Motion failed 10-10 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, **REP. FRANKLIN**, **REP. HINER**, **REP. JAYNE**, **REP. JUNEAU**, **REP. KAUFMANN**, **REP. LENHART**, **REP. MUSGROVE**, and **REP. SESSO** voting aye. **REPS. GLASER**, **LENHART** and **JACKSON** voted by proxy.

EXECUTIVE ACTION ON HB 201

Motion/Vote: **REP. MORGAN** moved that HB 201 DO PASS. Motion carried 13-7 by roll call vote with **REP. BUZZAS**, **REP. CALLAHAN**, **REP. FRANKLIN**, **REP. JAYNE**, **REP. JUNEAU**, **REP. LENHART**, and **REP. MUSGROVE** voting no. **REPS. GLASER**, **LENHART** and **JACKSON** voted by proxy.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 11}

EXECUTIVE ACTION ON HB 232

Motion: **REP. CALLAHAN** moved that HB 232 DO PASS.

Motion: **REP. SINRUD** moved that amendment HB023201.ajm BE ADOPTED.

EXHIBIT(aph34a08)

Discussion:

REP. SINRUD said that the amendment extends the time frame for HB 232 from 2007 out to 2013. He said that would give the courts the ability to bargain with FullCourt in a better funded position.

REP. JAYNE said that the next legislature is going to have to look at this request for funding information technology (IT) in the courts, and that this amendment would be extending it too far into the future. She said that IT is always changing and the amendment is not necessary.

REP. CALLAHAN said that he supports the amendment because it will ensure that funding for the courts' IT needs will be ongoing. This one-time funding began in 1995 and it has been reviewed and renewed several times. The courts will always have IT needs and it's important to continue this fee.

REP. JAYNE asked about the coordinating bill HB 536.

REP. CALLAHAN said that HB 536 transfers this funding from a special revenue account into the General Fund. The Subcommittee recognizes that the fee itself is not sufficient to cover the ongoing IT costs. The long-range plan is for the Judiciary to request IT funding through the legislature. When the State assumed responsibility for State District Courts, the IT needs of the courts changed considerably, but had not been taken into account. HB 536 does not have a termination date.

REP. JUNEAU asked how much the surcharge is and who pays it.

REP. SINRUD answered that the surcharge is \$10 per convicted criminal and \$10 per each party in a civil case.

Vote: Motion carried 15-5 by roll call vote with **REP. BUZZAS**, **REP. FRANKLIN**, **REP. JAYNE**, **REP. JUNEAU**, and **REP. SESSO** voting no. **REPS. GLASER**, **JACKSON**, and **LENHART** voted by proxy.

Motion: **REP. CALLAHAN** moved that HB 232 DO PASS AS AMENDED.

Discussion:

REP. RIPLEY asked if HB 232 is needed if HB 536 passes. **REP. CALLAHAN** answered that it is needed because it requires the probation officer to apply the surcharge in the pre-sentence report.

REP. JAYNE said that the reason for presenting HB 232 was because the courts were not enforcing the surcharge law.

Vote: Motion carried 16-4 by roll call vote with **REP. BUZZAS**, **REP. JAYNE**, **REP. JUNEAU**, and **REP. SESSO** voting no. **REPS. GLASER**, **JACKSON**, and **LENHART** voted by proxy.

ADJOURNMENT

Adjournment: 5:10 P.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

MARCY MCLEAN, Secretary

RB/mm

Additional Exhibits:

EXHIBIT ([aph34aad0.TIF](#))